

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

SAMMY WOODS, #903162

§

VS.

§

CIVIL ACTION NO. 5:12cv31

JAMES SMITH, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Sammy Woods, a Texas prison inmate, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983 complaining about his Red River County conviction for aggravated assault. The complaint was referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation finding that the Plaintiff had filed the wrong type of lawsuit and that he could not bring a civil rights lawsuit about his conviction until he satisfies the conditions of *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Plaintiff are without merit. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly


ORDERED that the Report and Recommendation (docket entry #10) is **ADOPTED**. It is further

ORDERED that the Plaintiff's claims are **DISMISSED** with prejudice to their being asserted again until the *Heck* conditions are met. It is further

ORDERED that all motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 31st day of May, 2012.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE